

REMARKS

Claims 1-16 are pending in the present application. By virtue of this response, claim 16 has been amended for clarity and to improve claim form. No claims have been cancelled or added. Accordingly, claims 1-16 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Claim Rejections-35 USC §103(a)

A. Claims 1-7, and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent 5,643,281 to Paul V. Suhocki et al. (Suhocki) in view of U.S. Patent 5,556,380 to Mark T. Ridinger et al. (Ridinger). Specifically, the Office states that Suhocki does not teach the distal end of a shape-imparting element being anchored proximal to a distal end of an introducer, but that it would have been obvious to one of ordinary skill in the art to modify the shape-imparting element of Suhocki with the anchor design of Ridinger to provide a snare wire that more effectively removes fibrin sheaths formed on a venous catheter.

Applicants disagree that a case of obviousness has been established because all claim limitations have not been taught by the combined disclosures of Suhocki and Ridinger. In particular, Suhocki and Ridinger, alone or in combination, fail to disclose “an elongate, shape-imparting element . . . being anchored proximally a distal end of the introducer,” as recited in the claims. On page 3 of the instant Office Action, the Office has admitted that Suhocki fails to disclose the distal end of the shape-imparting element being anchored proximal to a distal end of the introducer. However, contrary to the Office’s assertion, Ridinger also fails to disclose such anchoring. Referring to Fig. 1 of Ridinger and the corresponding description in column 3, lines 20-25, the proximal end (16b) of the alleged shape-imparting element, snare wire (16), is clearly attached to the tubular member (12) distal to, not proximal to, the introducer (VC). The snare wire distal end (16a) is attached to central wire (14). With this configuration, rotation of the central wire (14) while maintaining the proximal anchoring point (16b) stationary enables a portion of the snare wire (16) to wrap about the exterior surface of the introducer’s (VC’s) distal end. Advancement of the central wire (14) and/or the tubular member (12) in a distal direction will then cause the

wrapped snare wire segment to move distally along the external surface of the distal end of the introducer (VC), thereby stripping the fibrin sheath formed at the distal end of the introducer (VC) (See, Ridinger col. 3, line 54 to col. 4, line 9). Because the wrapping of the snare wire (16) around the distal portion of the introducer (VC) requires its proximal end (16b) extend distally beyond the distal end of the introducer (VC), the anchoring point (16b) is necessarily located distal to the distal end of the introducer (VC).

Hypothetically, even if Ridinger was found to describe anchoring proximal to the distal end of the introducer, one of skill would still not modify the Suhocki device in such a manner because it would render the device inoperable for its intended use. Like Ridinger, Suhocki describe a device for removing fibrin sheaths that form around the distal end of venous catheters. Specifically, the loop (14) of Suhocki's device is first tightened around the distal end of the venous catheter in the region of the fibrin sheath. Translational movement of the tubular member (12) in the distal direction also pulls the loop (14) in the distal direction to thereby scrape the fibrin sheath from the venous catheter. If the shape-imparting element (18a/b) of Suhocki was modified to be anchored proximal to the distal end of the venous catheter, it would be incapable of sliding over and removing the fibrin sheath upon translational movement of the tubular member (12).

Given that no reasonable expectation of successful removal of the fibrin sheath exists with the above described design, it would not have made sense to ordinary skill in the art to modify Suhocki to include a proximal anchoring part, as claimed.

At least in view of the above, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

B. Claims 8-15 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Suhocki, as modified by Ridinger, and further in view of EP 0 749 435 to Mary Elizabeth Bush et al. (Bush). As discussed above, the combined teachings of Suhocki and Ridinger fail to teach a shape-imparting element being anchored proximal to a distal end of the introducer. Bush, which describes an implantable defibrillator lead, does not cure this deficiency. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 559022000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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